

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROMONE THOMAS-WARNER,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 11-5854
	:	
CITY OF PHILADELPHIA, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this ____ of December, 2011, upon consideration of Defendants' Motion to Dismiss (Doc. 2) and Plaintiff's Response in opposition thereto (Doc. 3), and for the reasons set forth in the accompanying Memorandum and Opinion, **IT IS HEREBY ORDERED AND DECREED** that Defendants' Motion is **GRANTED IN PART AND DENIED IN PART**. Accordingly, the following claims are **DISMISSED WITH PREJUDICE**:

1. Plaintiff's state law claims for assault, battery, false arrest, false imprisonment, libel, slander, fraud, and malicious prosecution **excluding** the state malicious prosecution claim arising out of the trial ending on July 8, 2010.
2. All of Plaintiff's section 1983 claims for false arrest and false imprisonment.
3. Plaintiff's remaining section 1983 claims arising out of the February 28, 2007; May 12, 2009; and July 25, 2008 arrests.
4. Plaintiff's remaining section 1983 claims arising out of the trials ending on July 8, 2008 and November 10, 2008.

IT IS FURTHER ORDERED that Plaintiff's section 1983 claims arising out of the trial ending on July 8, 2010 are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is **DENIED** with regard to the state and federal malicious prosecution claims arising out of the trial ending on July 8, 2010.

IT IS FURTHER ORDERED that Plaintiff's Request for Appointment of Counsel is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Defendants City of Philadelphia and Commissioner Charles H. Ramsey are **DISMISSED** from the matter **WITHOUT PREJUDICE**.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.